

UNITED STATES EASTERN DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

CHARLES HADDAD,

Plaintiff,

vs.

Case No. 04-CV74932
Hon. Anna Diggs Taylor
Magistrate Judge Donald A. Scheer

INDIANA PACERS, an assumed name, a/k/a
PACERS BASKETBALL CORPORATION,
an Indiana Corporation, JERMAINE O'NEAL,
and ANTHONY JOHNSON,
Jointly and Severally,

Defendants.

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**DEFENDANT JERMAINE O'NEAL'S MOTION TO DISMISS
PUNITIVE AND EXEMPLARY DAMAGES CLAIMS
PURSUANT TO FED.R.CIV.P. 12(b)(6)**

Now comes Defendant Jermaine O'Neal, by and through his attorneys, Dickinson Wright PLLC, and moves to dismiss Plaintiff's claims for punitive and exemplary damages. In support of his motion, O'Neal relies on the facts and arguments set forth in Defendant Indiana Pacers' Motion to Dismiss Punitive and Exemplary Damages Claims Pursuant to Fed.R.Civ.P. 12(b)(6) and brief in support filed March 16, 2005 as well as the Pacers' reply brief filed on April 13, 2005.

Respectfully submitted,

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Date: May 13, 2005

I hereby certify that on April 13, 2005 I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Steven M. Potter, Hideaki Sano and Jason Thompson and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Lawrence S. Charfoos, Thomas W. Cranmer and Matthew F. Leitman.

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